

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Rothenberg on May 18, 2010.

The application has been amended as follows:

Claim 5, line 2, delete "4". It should be noted that this appears to be what Applicant intended but the line through is not clearly shown in the preliminary amendment.

The following is an examiner's statement of reasons for allowance:

Claims 1-16 are allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including the vacuum system comprises at least one magnetron with magnetron surrounding area and is subdivided into successive compartments in a direction of transportation of the substrate by separating walls having closeable suction openings, which compartments can be evacuated either directly via a vacuum connection located on a compartment or indirectly via a suction opening in a separating wall, wherein at least one compartment comprises an upper partial compartment which is located above the substrate, the partial compartment comprising, in at least one of outer walls thereof, a closeable upper opening, and wherein horizontal and/or vertical elements are mountable in the upper

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partial compartments for subdivision of the upper partial compartment into several sections.

The closest prior art to Szczyrkowski et al. (U.S. Pat. 6,168,698) or Bjornard et al. (U.S. Pat. 5,489,369) while teaching multiple compartments that can be evacuated by suction devices which are either in the compartment or through suction openings in the walls of the compartments but fails to teach the vacuum system comprising at least one magnetron with magnetron surrounding area and subdivided into successive compartments in a direction of transportation of the substrate by separating walls having closeable suction openings, which compartments can be evacuated either directly via a vacuum connection located on a compartment or indirectly via a suction opening in a separating wall, wherein at least one compartment comprises an upper partial compartment which is located above the substrate, the partial compartment comprising, in at least one of outer walls thereof, a closeable upper opening, and wherein horizontal and/or vertical elements are mountable in the upper partial compartments for subdivision of the upper partial compartment into several sections.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M-Th with every Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney G. McDonald/  
Primary Examiner, Art Unit 1795

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Primary Examiner  
Art Unit 1795

RM  
May 18, 2010